

FILED

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CLERK, U.S. DISTRICT COURT
DISTRICT OF OREGON
PORTLAND, OREGON
BY 

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF OREGON

**KWAI FUN WONG, WU-WEI TIEN
TOA ASSOCIATION, and CHONG
HUA SHENG MU GONG**

Plaintiffs,

v.

**DAVID BEEBE, JERRY F. GARCIA,
JACK O'BRIEN, DOUGLAS GLOVER,
JOHN DOE IMMIGRATION AND
NATURALIZATION SERVICE
OFFICIALS, and, UNITED STATES
OF AMERICA**

Defendants

Civil No. CV-01-718-ST

) DEFENDANTS' MOTION TO STAY
) ALL PROCEEDINGS PENDING A
) FINAL DECISION BY THE NINTH
) CIRCUIT ON DEFENDANTS'
) PENDING APPEAL

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Pursuant to Local Rule 7.1, undersigned counsel attempted to confer with Plaintiffs' counsel, Beth Creighton, in a good faith effort to resolve the issues presented in the instant Defendants' Motion To Stay All Proceedings Pending A Final Decision By The Ninth Circuit On Defendants' Pending Appeal. On July 31, 2002, attorney for Defendants called Plaintiffs' attorneys and left a message regarding this matter. As of the close of business on August 1, 2002, Plaintiffs' counsel did not return my call so it is presumed they are opposed to this motion.

Defendants, David V. Beebe, Jerry F. Garcia, Jack O'Brien, Douglas Glover, John Doe Immigration and Naturalization Service (INS) Officials, and United States of America, hereby move this Court to stay all proceedings in this matter pending until 45 days from the date on which the Court of Appeals for the Ninth Circuit issues a final decision on the interlocutory appeal currently pending. In support of this motion, Defendants submit the accompanying memorandum of law.

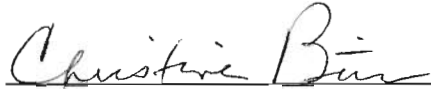
CONCLUSION

For the above-stated reasons, the Court should stay all proceedings in this matter.

Respectfully submitted,

ROBERT D. McCALLUM, Jr.
Assistant Attorney General

MARGARET J. PERRY
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A handwritten signature in cursive script, appearing to read "Christine Bither", is written over a horizontal line.

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CERTIFICATE OF SERVICE

I hereby certify that on August 1, 2002, one copy of Defendants' Motion To Stay All Proceedings Pending A Final Decision By The Ninth Circuit On Defendants' Pending Appeal was served upon Plaintiffs' attorneys, by Federal Express for next day delivery addressed to:

Beth Creighton, Esq.
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CHRISTINE A. BITHER

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Defendants

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PROPOSED ORDER

The Court having fully considered the United States' Motion for a Stay of Proceedings, and of the opposition thereto, and proper grounds for a stay having been shown, it is hereby

ORDERED that all proceedings in this action are hereby stayed until 45 days from the date on which the Court of Appeals for the Ninth Circuit issues a final decision on the interlocutory appeal currently pending in this matter.

Dated this _____ day of _____, 2002.

Magistrate Judge Janice M. Stewart